

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

H. THOMAS MORAN, II, Receiver of :
the Assets of LifeTime Capital, Inc. and :
Certain Affiliated Persons and Entities, :

Plaintiff, : Case No. 3:05cv00071

vs. : District Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington
A/C FINANCIAL, INC., et al., :

Defendants. :

DECISION AND ENTRY

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #546), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, it is ORDERED that:

1. The Report and Recommendations filed on June 2, 2006 (Doc. #546) is ADOPTED in full.
2. Defendants Heartland Viatical, Inc., Erika Blackburn, Thomas Parker, Kenneth W. Johnson, Brent Worley, and Robert Boone's Motion to Compel Arbitration (Doc. #154) and Joined by Defendants James S. Stanley, AB to Z Financial Services, and Gayle Jendzejec (Doc. #203) are DENIED;
3. Defendant Erin Richardson's Motions To Compel Arbitration (Doc. #154, 203) are GRANTED; the Receiver's claims against Defendant Erin Richardson are

DISMISSED; and the Receiver shall arbitrate his claims, if any, against Erin Richardson pursuant to the terms of her Representative Agreement (Doc. #239, Exhibit 12); and

4. Defendant Lewis McBride's Motion to Compel Arbitration (Doc. #237) is DENIED.

June 27, 2006

s/Thomas M. Rose

Thomas M. Rose
United States District Judge